



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
Financial Responsibility  
Eighth Floor, L & C Annex  
401 Church Street  
Nashville, TN 37243  
(615) 532-0851

RECEIVED

JAN 16 2013

January 11, 2013

The Honorable Ernest Burgess  
Rutherford County Mayor  
County Courthouse, Room 101  
Murfreesboro, Tennessee 37130

RE: Annual Inflation Adjustment of the financial assurance for the *Rutherford County Sanitary Landfill, Permit # SNL 75-0103* as required by the Regulations of the Division of Solid Waste Management.

Dear Mayor Burgess:

**All county and municipal "Contracts in Lieu of Performance Bonds" must be adjusted annually for inflation by no later than the anniversary date of the issuance of the contract.**

The staff of the Financial Responsibility Group utilizing data published by the U. S. Department of Commerce has projected the GNP (Gross National Product) inflation factor to be used for the inflation adjustments and renewals required before *March 31, 2013*. Our projection of the inflation factor to be used is **1.9%**. The amount of your financial assurance instrument(s) from the Year 2012 must be multiplied by **1.019**. The permitted facility and/or the Department may reserve the right to adjust this figure later based upon the actual inflation factor published by the U.S. Department of Commerce. The U. S. Department of Commerce does not make this information available until late March of each year.

**Effective immediately, any County or Municipal Contract in Lieu of Performance Bond incurring an annual inflation adjustment shall not be processed by amendment until the cumulative amount of the adjustment(s) equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00). This is a change from the previous threshold of Five Thousand Dollars (\$5,000). For example, if the inflation adjustment is \$4,000 in year one, \$5,000 in year two, and \$6,000 in year three, the amendment will be processed in year three when the total of adjustments exceeds \$10,000. We will continue to send your inflation adjustment figures annually for your records whether or not a contract amendment is required.**

Please review the amount(s) listed for each permit listed below. If any changes or modifications to your permit(s) have occurred, please contact us as soon as you receive this letter. The due date(s) and projected amount(s) for the inflation adjustment(s) of your financial instrument(s) are as follows:

**Inflation Adjustments REQUIRED for 2013**

Facility Permit #:	Financial Instrument Type & No.:	Financial Instrument Anniversary Due Date:	Present Amount of Financial Assurance "On File"	Inflation Adjustment / Increase Required:	Inflation Adjustment and Allowable Post-Closure Reduction:	Total "Required" Amount of Financial Assurance:
SNL 75-0103	Contract	01-03-13	\$ 3,368,578.00	\$	\$ 126,697.00	\$ 3,241,882.00

Mayor Burgess  
Rutherford County  
January 11, 2013  
Page 2

Please see the attached spreadsheets, which list in detail the amount of financial assurance required due to the 2013 annual inflation adjustment and/or post closure reduction (if applicable) for your permit(s). The spreadsheets also list the current amount of financial assurance on file for each permit.

**PLEASE NOTE**

- (1) Any County and/or Municipal Contract In Lieu of Performance Bonds incurring an annual inflation adjustment ~~shall not be processed by amendment~~ until the amount of the adjustment equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00).

If you have any questions, please call me at (615) 532-0848. Please submit the inflation adjusted financial instrument to the Financial Responsibility Group at the address listed on the letterhead as indicated above.

Respectfully,



James Marks  
Municipal & County Contract Administrator  
TDEC - Financial Responsibility

CC: AL Majors, Manager of Solid Waste Management, Nashville Field Office, TDEC ✓

Enclosure: Customer Information Spreadsheet

FINANCIAL RESPONSIBILITY			
CUSTOMER DATA SHEET			
DIVISION	Solid Waste Management		Evaluated by: JEM
(UST ONLY)	FUND PARTICIPANT ELIGIBILITY ASSUMED	FUND PARTICIPANT NOT FUND ELIGIBLE	NOT PARTICIPATING IN THE FUND
OWNER/ OPERATOR NAME	Rutherford County, TN		
ADDRESS	County Courthouse, Room 101		
	Murfreesboro, TN 37130		
CONTACT PERSON	Mr. Ernest Burgess		
TITLE	Mayor (Rutherford County, TN)		
TELEPHONE #	(615) 898-7745		
FAX NUMBER			
CORPORATE PARENT/OWNER ADDRESS			
CONTACT PERSON			
TITLE			
TELEPHONE #			
FAX NUMBER			
HAZARDOUS WASTE PERMIT #			
SOLID WASTE PERMIT #	SNL 75-0103		
LIST OWNER ID #			
RADIOLOGICAL HEALTH PERMIT #			
SUPERFUND PERMIT #			
GEOLOGY (OIL & GAS) PERMIT #			
WATER POLLUTION CONTROL (INDUSTRIAL MINING) PERMIT #			

# PERMIT # 123456789 UNDER THIS OWNER

FACILITY OR PERMIT  
ID #

LOCATION OR ADDRESS

BNL 75-2102

6000 Landfill Road, Murfreesboro, TN

**Summary Sheet**  
**Amount of Financial Assurance Required**

PERMIT ID # OR FACILITY ID # (A)	AMOUNT OF CLOSURE OPERATING CONTINGENCY REQUIRED (B)	AMOUNT OF CLOSURE CAPACITY REQUIRED (C)	AMOUNT OF CLOSURE CAPACITY REQUIRED (C)	AMOUNT OF CORRECTIVE ACTION REQUIRED (D)	INSTRUMENT TYPE AND ISSUE DATE (E)	ISSUING INSTITUTION (F)	TOTAL AMOUNT OF FINANCIAL ASSURANCE (G)
SNL 75-0103	CLOSED	\$3,241,881.44					\$3,241,881.44
<b>Total Required</b>						<b>Total (A-E,C,D)</b>	<b>\$3,241,881.44</b>

**Amount of Financial Assurance On File**

PERMIT ID # OR FACILITY ID # (A)	AMOUNT OF CLOSURE OPERATING CONTINGENCY ON FILE (B)	AMOUNT OF CLOSURE CAPACITY ON FILE (C)	AMOUNT OF CLOSURE CAPACITY ON FILE (C)	AMOUNT OF CORRECTIVE ACTION ON FILE (D)	INSTRUMENT TYPE AND ISSUE DATE (E)	ISSUING INSTITUTION (F)	TOTAL AMOUNT OF FINANCIAL ASSURANCE (G)
SNL 75-0103	CLOSED	\$3,368,578.00			C 1/3/2003	Rutherford Co	\$3,368,578.00
<b>Total on File</b>						<b>Total (A,B,C,D)</b>	<b>\$3,368,578.00</b>
<b>Net amount overfunded as of 01/11/2013</b>	<b>+\$0.00</b>	<b>+\$126,696.56</b>					<b>+\$126,696.56</b>

ABBR: C-CONTRACT CB-CASH BOND CC-CORPORATE GUARANTEE CD-CERTIFICATE OF DEPOSIT CE-FT-CORPORATE GUARANTEE  
 FF-FINANCIAL TEST OF CERTIFICATE OF DEPOSIT FF-FINANCIAL TEST OF GOVERNMENT GUARANTEE LG-LETTER OF  
 CREDIT PB-PERFORMANCE BOND PC-PERFORMANCE BOND PC-TRUST FUND

Attachment 2 - Calculating Financial Assurance From the Beginning To the End of the Post Closure Care Period	
Facility :	Rutherford County Landfill
Permit# :	SNL 75-0103

☒ This site closed in **2000** and is required to have 30 years of post closure care.  
 At closure in **2000** the cumulative inflation adjusted total of post closure was **\$4,397,600.00**.  
 or

☐ This site has not yet begun post closure. The scheme below is simply an example of how post closure financial assurance will be adjusted annually for inflation.  
 This example assumes that the facility closed in \_\_\_\_\_ and is required to have \_\_\_\_\_ years post closure.  
 At closure, the cumulative inflation adjusted post-closure amount was \$\_\_\_\_\_. Each successive year after closure, the post-closure amount is reduced by approximately one year's post-closure expense and the outstanding dollar amount of post-closure is adjusted for inflation.

Calculation of Post Closure Financial Assurance with Inflation Adjustments After Closure of the Waste Management Unit							
EACH YEAR FOLLOWING CLOSURE (A)	ANNUAL INFLATION RATE (B)	POST CLOSURE EXPENSE (C)	REMAINING YEARS (D)	APPROXIMATE ONE YEAR POST CLOSURE EXPENSE (E)	ESTIMATED AMOUNT OF POST CLOSURE EXPENSE REMAINING (F)	INFLATION ADJUSTMENT FOR THE REMAINING YEARS (G)	AMOUNT OF POST CLOSURE FINANCIAL ASSURANCE REQUIRED YEAR (H)
Year (row)	row 2	row 3	row 4	row 5	row 6	row 7	row 8
2000	1.015						\$4,397,600.00
2001	1.021	\$4,397,600.00	30	\$146,586.67	\$4,251,013.33	\$4,340,284.61	\$4,340,284.61
2002	1.022	\$4,340,284.61	29	\$149,664.99	\$4,190,619.63	\$4,282,813.26	\$4,282,813.26
2003	1.011	\$4,282,813.26	28	\$152,957.62	\$4,129,855.64	\$4,175,284.05	\$4,175,284.05
2004	1.017	\$4,175,284.05	27	\$154,640.15	\$4,020,643.90	\$4,088,994.85	\$4,088,994.85
2005	1.022	\$4,088,994.85	26	\$157,269.03	\$3,931,725.82	\$4,018,223.79	\$4,018,223.79
2006	1.027	\$4,018,223.79	25	\$160,728.95	\$3,857,494.83	\$3,961,647.19	\$3,961,647.19
2007	1.030	\$3,961,647.19	24	\$165,068.63	\$3,796,578.56	\$3,910,475.92	\$3,910,475.92
2008	1.027	\$3,910,475.92	23	\$170,020.69	\$3,740,455.23	\$3,841,447.52	\$3,841,447.52
2009	1.024	\$3,841,447.52	22	\$174,611.25	\$3,666,836.27	\$3,754,840.34	\$3,754,840.34
2010	1.012	\$3,754,840.34	21	\$178,801.92	\$3,576,038.42	\$3,618,950.88	\$3,618,950.88
2011	1.010	\$3,618,950.88	20	\$180,947.54	\$3,438,003.33	\$3,472,383.37	\$3,472,383.37
2012	1.024	\$3,472,383.37	19	\$182,757.02	\$3,289,626.35	\$3,368,577.38	\$3,368,577.38
2013	1.019	\$3,368,577.38	18	\$187,143.19	\$3,181,434.19	\$3,241,881.44	\$3,241,881.44

**Amendment of Contract in Lieu of Performance Bond**

Whereas, Rutherford County and the State of Tennessee Department of Environment and Conservation, entered into a Contract in Lieu of Performance Bond for proper operation and closure and/or post-closure of the Rutherford County Sanitary Landfill, Permit Number(s) SNL 75-0103; and

Whereas, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$3,368,578.00 from any funds being disbursed or to be disbursed from the State to the County of Rutherford as financial assurance for said proper operation, closure and post-closure; and

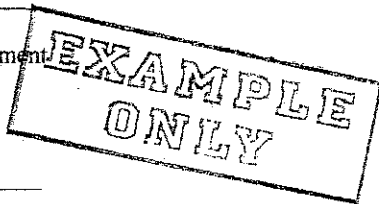
Whereas, the State and the County of Rutherford desire to change the amount of said financial assurance from \$3,368,578.00 to \$ 3,241,882.00.

Paragraph 3 of the Agreement in Lieu of Performance Bond is amended as follows:

The figure "\$3,368,578.00" is deleted and the figure "\$3,241,882.00" is substituted in lieu thereof.

Date of Amendment to Contract January 11, 2013  
(Must have date of Official's signature)

\_\_\_\_\_  
Commissioner  
Department of Environment  
and Conservation



\_\_\_\_\_  
Commissioner  
Department of Finance  
and Administration

\_\_\_\_\_  
Title: \_\_\_\_\_  
For the County of: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_  
For: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_  
For: \_\_\_\_\_

(Please Type or Complete Form in Ink and Submit Three (3) Signed Originals of this Document)

**Amendment of Contract in Lieu of Performance Bond**

Whereas \_\_\_\_\_ and the State of Tennessee Department of Environment and Conservation, entered into Contract in Lieu of Performance Bond (Copy attached) for proper operation and closure and/or post-closure of the \_\_\_\_\_, Register Number \_\_\_\_\_; and

Whereas, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$ \_\_\_\_\_ from any funds being disbursed or to be disbursed from the State to the \_\_\_\_\_ as financial assurance for said proper operation, closure and post-closure; and

Whereas, the State and \_\_\_\_\_ desire to change the amount of said financial assurance from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

Paragraph 3 of the Agreement in Lieu of Performance Bond is amended as follows:

The figure "\$ \_\_\_\_\_" is deleted and the figure "\$ \_\_\_\_\_" is substituted in lieu thereof.

Date of Amendment to Contract \_\_\_\_\_, 2013.

\_\_\_\_\_  
Commissioner  
Department of Environment  
and Conservation.

\_\_\_\_\_  
Title \_\_\_\_\_  
For the County of \_\_\_\_\_

\_\_\_\_\_  
Commissioner  
Department of Finance  
and Administration

\_\_\_\_\_  
Title \_\_\_\_\_  
For: \_\_\_\_\_

\_\_\_\_\_  
Title \_\_\_\_\_  
For \_\_\_\_\_

(Please Type or Complete form in Ink and Submit Three (3) Signed Originals of this Document)